IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

THURSDAY, THE 9TH NOVEMBER 2006 / 18TH KARTHIKA 1928

Bail Appl..No. 6528 of 2006()

CRIME NO.383/2006 OF TOWN SOUTH POLICE STATION, PALAKKAD

PETITIONER/ACCUSED:

PONNAPPAN, S/O. NARAYANAN,
AGED 27, SREEMOOKAMBIKA, THIRUPURACKAL NAGAR,
VADAKKANTHARA, PALAKKAD DISTRICT.

BY ADV. SRI.JACOB SEBASTIAN

RESPONDENTS: COMPLAINANT:

THE STATE OF KERALA,
(THE SUB INSPECTOR OF POLICE, TOWN SOUTH POLICE
STATION, PALAKKAD), REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,ERNAKULAM.

BY PUBLIC PROSECUTOR, SRI.P.N.SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 09/11/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M.JAMES, J.

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B.A. No. 6528 of 2006

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Dated this the 9th day of November, 2006

O R D E R

The petitioner is the first accused in Crime No.383/2006 of Town South Police Station, Palakkad. The offence alleged against him and seven others is that, in retaliation of an earlier incident, they trespassed into the hospital where Jogesh was admitted and inflicted injuries, which include, incised injuries, cut injuries on parietal region, left clavicle volar aspect of left wrist, left forearm and also other places.

2. The counsel for the petitioner submits that the petitioner was not present in the occurrence and because of the enmity of the de facto complainant, Jogesh, the name of the petitioner was also included.

3. The prosecution submits that the petitioner, accused No.1, inflicted injuries on the de facto complainant, at the first instance. It was following him the others inflicted various injuries on the de facto complainant, while he was in the

hospital.

4. I have gone through the wound certificate. It shows that the de facto complainant had suffered very severe injuries for the offence punishable under Sections 143, 147, 148, 452, 324, 427, 326 and 307 I.P.C., read with Section 34 of the Indian Penal Code, and also under Section 27 of the Arms Act. The petitioner is before this Court under Section 438 Cr.P.C.

5. After hearing both sides, I find that the interrogation of the petitioner is necessary. Therefore, I direct the petitioner to surrender before the Investigating Officer, who is investigating Crime No.383/2006 of Town South Police Station, Palakkad, on 16/11/2006, between 9.30 a.m and 10 a.m.

6. The Investigating Officer shall interrogate the petitioner and produce him before the court below, according to the law.

7. On production of the petitioner, the first accused, the learned Magistrate shall hear the prosecution as well as the counsel for the petitioner and pass orders, on merit, on the same day of production itself.

(J.M.JAMES)
Judge

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